

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TIMOTHY DOLAN et. al.,

Plaintiffs,

v.

PHL VARIABLE INSURANCE
COMPANY, et. al.,

Defendants.

CIVIL ACTION NO. 3:15-CV-01987

(JUDGE CAPUTO)

ORDER

NOW, this 25th day of October, 2017, upon review of Defendants' Motions to Dismiss (Docs. 64-67) **IT IS HEREBY ORDERED** that:

- (1) Defendants' Motions to Dismiss are **GRANTED**.
 - (a) Count I of Plaintiffs' Amended Complaint is **DISMISSED without prejudice**.
 - (b) Count II of Plaintiffs' Amended Complaint is **DISMISSED without prejudice**.
 - (c) Count III of Plaintiffs' Amended Complaint is **DISMISSED with prejudice**.
- (2) Plaintiffs have **twenty-one (21) days** from the date of entry of this Order to file a second amended complaint to properly plead the claims dismissed without prejudice herein, if they are able to do so; otherwise, these claims will be **dismissed with prejudice**.

/s/ A. Richard Caputo _____
A. Richard Caputo
United States District Judge